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PATENT
HP 30002574-2 US
LHB 1509-221

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Michael P. SPRATT Conf.: 5271
Serial No.: 10/960,526 Art Unit: 3625
Filed: September 24, 2001 Examiner: R. Rhode, Jr.
For: SELECTION OF CONTENT FOR DOWNLOADING

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

July 25, 2005

Sir:

Applicant acknowledges receipt of the Office Action mailed June 24, 2005, and the requirement to elect Group I, method claims 1-14; Group II, mobile device claims 15-21; or Group III, method claims 28-39 for initial prosecution on the merits. Applicant also acknowledges the requirement to elect a single disclosed species as set forth in the Office Action on pages 5-8.

In response to the requirement, Applicant hereby elects with traverse Group II, mobile device claims 15-21, and species 2a, i.e., species of claims 17, 20, and 22, wherein the first arrangement comprises means for detecting the selection of use.

First, Applicant traverses the restriction requirement on the grounds that searching and examining the entire application can be made without serious burden. MPEP 803 requires Examiners to examine

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such applications on the merits, even if they include claims to separate or distinct inventions.

Second, the inventions of Groups I and II are both related to the detection of positive and negative usage events at a device and, therefore, have a common theme. As such, the inventions of Groups I and II are not separate and distinct, and restriction between them is improper. Accordingly, withdrawal of the restriction requirement is proper, and such action is respectfully requested.

To the extent necessary during prosecution of this application, Applicant hereby requests any extension of time not otherwise requested and hereby authorizes the Commissioner to charge any required fees not otherwise paid, including application processing, extension, and extra claims fees, to Deposit Account No. 08-2025.

Respectfully submitted,

Michael P. SPRATT

By:


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